

The Honorable Tom Wheeler  
Chairman  
Federal Communications Commission  
445 12th St. SW  
Washington, DC 20554

Dear Chairman Wheeler:

An open Internet has become the world's most successful platform for innovation, job-creation and entrepreneurialism. An open Internet enables freedom of expression and the sharing of ideas around the world. An open Internet is driving economic growth throughout the United States.

Yet, the vitality and nondiscriminatory nature of this platform is at stake today. We must take steps to prevent broadband providers from creating Internet fast lanes for those who can pay, leaving others stuck in traffic. We need to prohibit paid prioritization, which would leave start-ups and small businesses to suffer in a new Internet slow lane, harming our economy and job growth. Our goal must be to protect the openness of the Internet for future generations.

At issue today is *how* the FCC should use its authority to keep the Internet open for business. We remain concerned that the Commission's recent notice of proposed rulemaking suggests approaches that could undermine the openness of the Internet. Because the item tentatively concludes that Internet service providers would be allowed to offer faster delivery times for websites, applications or services that pay for it, the Commission's proposal could fundamentally alter the Internet as we know it.

Instead, the Commission should take this opportunity to put truly effective open Internet rules on the books, and do so using whatever authority best stops these discriminatory practices. We believe that authority already resides in Title II, and that by reclassifying the transmission component of broadband Internet access as a telecommunications service the FCC could prevent online discrimination.

Broadband is a more advanced technology than phone service, but in the 21<sup>st</sup> century it performs the same essential function. Consumers and businesses cannot live without this vital connection to each other and to the world around them. Accordingly, it would be appropriate for the FCC to reclassify broadband to reflect the vital role the Internet plays in carrying our most important information and our greatest ideas.

Thank you for your consideration and your work on this issue.

Sincerely,

Edward J. Markey